IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION No. 3302 of 2005

Between:

M/s.Karol Distilleries and Breweries Pvt., Ltd., rep.by its Director,
Sri Kallash Agarwal, S/o.Nagarmal Agarwal, R/o.4-1-1240/A/2,
King Koti, Road, Hyderabad.

..... PETITIONER

AND

1 Govt. of A.P. rep.by its Principal Secretary, Excise Department,
Secretariat, Hyderabad.
2 The Commissioner, Prohibition & Excise, Government of A.P.
Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the Respondents in not considering the representation of the petitioner-companydt.23-9-2004 for issuing of Form -D2 Licence as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents to consider the representation of the petitioner company dt.23-9-2004 for issuance of Letter of Intent under Form D2 licence as was considered in the similarly situated cases as expeditiously as possible or else the petitioner company would suffer irreparable hardship and injury.

Counsel for the Petitioner : Mr.M.JANARDHAN RAO

Counsel for the Respondents : G.P. FOR PROHIBITION & EXCISE

The Court at the stage of admission, made the following :

ORDER:

The petitioner states that it was operating Distilleries and Breweries till 1989 and on account of a fire accident, its activities came to stand still and thereafter prohibition was imposed. The petitioner submits that it intends to undertake its activities and for that purpose, had applied on 23.9.2004 for grant of Form D-2 licence. It complaints that no action is taken thereof.

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise.

The question as to whether the petitioner had fulfilled the conditions required for grant of licence in Form D-2 and whether the existing policy of the Government permits grant of such licence needs to be considered by the respondents. This Court cannot record any finding thereon. However, the application of the petitioner cannot be kept pending indefinitely without taking a decision thereon. Hence, the writ petition is disposed of directing that the respondents shall consider the application of the petitioner dated 23.9.2004 and pass appropriate orders thereon, within six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Date: 25.2.2005

DA

To

1 The Principal Secretary, Govt. of A.P., Proh. & Excise Department, Secretariat, Hyderabad.
2 The Commissioner, Prohibition & Excise, Government of A.P. Nampally, Hyderabad.

3 Two CCs to the Govt. Pleader for Proh. & Excise, High Court Buildings, Hyderabad (OUT).

4 Two CD copies.